PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , MAY 28 , 1991

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING May 28 ,1991 , IN Regular SESSION. PRESIDENT Samuel J. Talarico IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY Present , BURNS Present , EDMONDS Present ,
GiaQUINTA Present , HENRY Present , LONG Present ,
REDD Present , SCHMIDT Present , TALARICO Present

ABSENT:

COUNCILMEMBER: , ,

, ,

THE MINUTES OF THE LAST REGULAR May 14 ,19 91 ,

,19 ,

SPECIAL ,19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 28th day of May, 19 91, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 30th day of May, 19 91.

Sandra E. Kennedy

City Clerk

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

8 May 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated right-of-way.

The proposed ordinance is designated as:

BILL NO. G-91-04-17

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of May 1991.

Robert Hutner
Secretary

FACT SHEET

G-91-04-17
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Street Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
South Park Drive between Hawthorne & Belmont Streets.

Reason for Project

Right-of-way is unopened and unimproved and is presently being maintained by adjacent property owners.

Discussion (Including relationship to other Council actions)

15 April 1991 - Public Hearing

Frankie Webster, 827 Hawthorne Street, appeared before the Commission. Mrs. Webster stated that this is an unopened and unimproved portion of public right-of-way. She stated that the other property owner Mr. Kennel is the contract buyer and that she was working Mr. Wayne O'Brien, Planner II, with C&ED to obtain the current owner's signature. She questioned if they would have to defer this request until she obtained actual owners signature.

Mr. O'Brien stated that they are aware of the situation and that staff has suggested a conditional approval be granted with one of the conditions being that the signature of the actural property owner be obtained prior to the request being forwarded to City Council for final disposition.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Joseph & Frankie Webster Hollace McKinnley City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

22 April 1991 - Business Meeting

Motion was made and seconded that the ordinance be returned to the Common Council with a DO PASS recommendation, contingent upon the petitioner satisfying the following conditions:

1) All abutting property owners must be party to the petition. Records in Wayne Township Assessors Office indicate that a Mr. & Mrs. Hollis McKinley own the properties on the east side of this right-of-way.

2) Petitioners must provided for utility relocations or easements as needed.

Of the nine (9) members present, eight (8) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 8 March 1991

Projected Completion or Occupancy Date 8 May 1991

Fact Sheet Prepared by Date 8 May 1991
Patricia Biancaniello

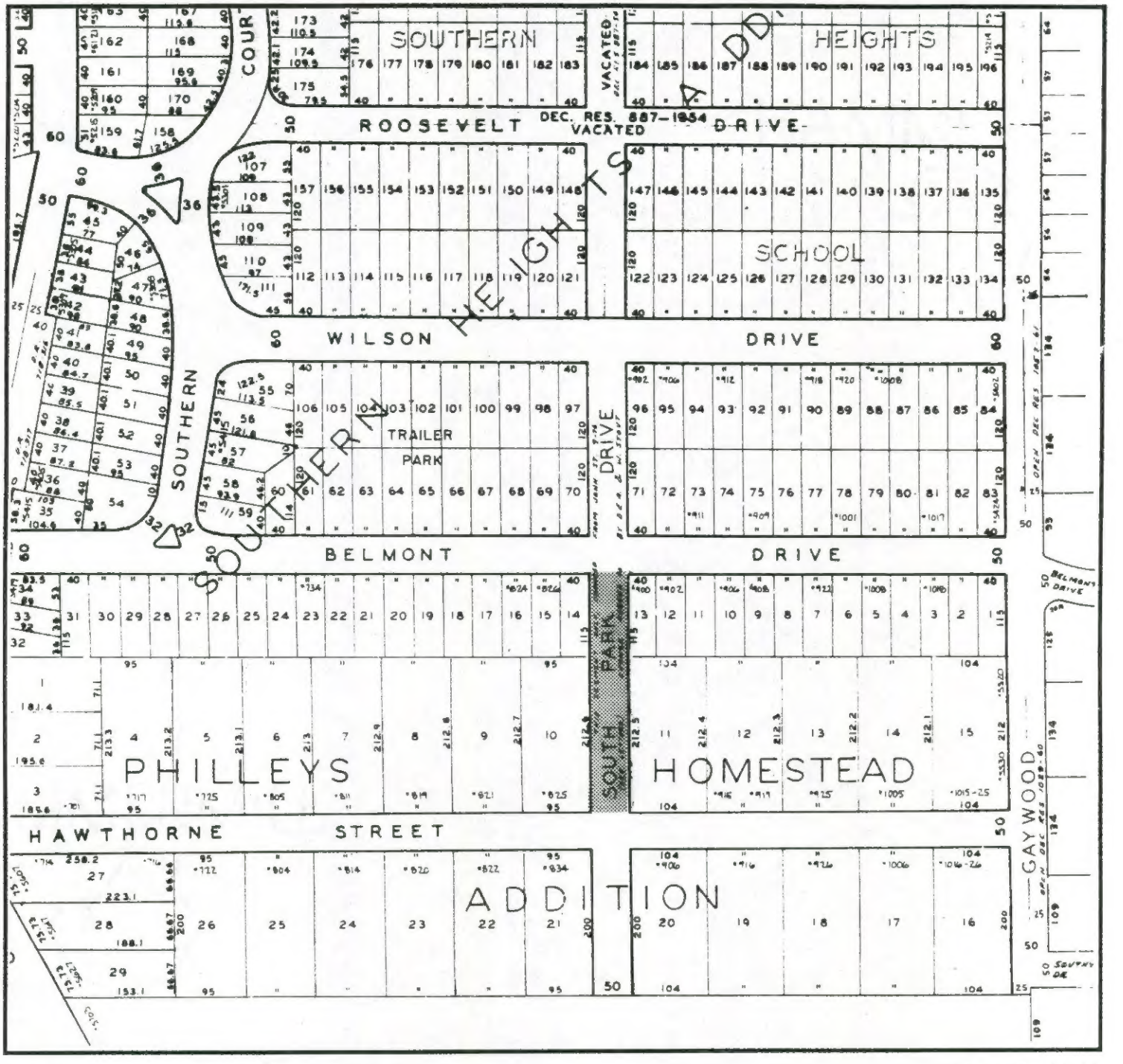
Reviewed by Date 5-21-91
Larry Mazzuzzi

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #467



COUNCILMANIC DISTRICT NO. 6

Map No. N-19
LW 3-21-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**IA**	Interchange Access
PUD	Planned Unit Dev.	**POD**	Professional Office District	**MHP**	Mobile Home Park

Joseph and Frankie Webster request the vacation of a portion of a public right-of-way.

Location:	South Park Street, between Belmont and Hawthorne Streets.		
Legal:	See file		
Land Area:	Approximately 0.39 acres		
Zoning:	Does not apply		
Surroundings:	North	R-1	Single Family Residential
	South	R-1	Single Family Residential
	East	R-1	Single Family Residential
	West	R-1	Single Family Residential
Reason for Request:	Not stated on petition.		
Neighborhood Assoc.:	Southern Heights		
Comprehensive Plan:	No comment.		
Neighborhood Plan:	No comment.		
Landscape:	No comment.		

Planning Staff Discussion:

The petitioners state that this portion of the public right-of-way is unopened and unimproved. The petitioners list a Mr. Kennel and a Mr. Wells as the only other property owners that would be effected, however, records in the assessors office indicate that a Mr. & Mrs. Hollis McKinley are also property owners of record.

In 1989 a similar petition was filed for the portion of South Park Drive from Hawthorne Street to the south. That petition was denied as there appeared to be a potential need for access to the south. South Park Drive is open to the north of Belmont Drive, but is not improved between Belmont Drive and Hawthorne Street. The nearest through street is Gaywood Drive, approximately 525 feet to the east.

We have no objection to the vacation of this right-of-way providing that the petitioners can get approval of all the abutting property owners, and that they provide for the relocation of utilities as needed.

Recommendation: Conditional Approval, contingent upon the following:

1) All abutting property owners must be party to the petition. Records in the Wayne Township Assessors Office indicate that a Mr. & Mrs. Hollis McKinley own the properties on the east side of this right-of-way.

2) Petitioners must provide for utility relocations or easements as needed.

RESOLUTION 79-49-8

WHEREAS, JOSEPH & FRANKIE WEBSTER and HOLLIS MCKINLEY have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of right-of-way situated in Fort Wayne, Allen County, to-wit:

South Park Drive running north and south between Belmont and Hawthorne Streets.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held MAY 15, 1991 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 15 DAY OF May 1991

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

E. Sharon Banks
Chief of Staff

Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

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South Park Drive running north and south between Belmont and Hawthorne Streets.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on April 15, 1991 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right-of-way.

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-way in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held April 22, 1991, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 8th DAY OF May 1991

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary